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Terry W. Kramer, Esq.
Kramer & Amado, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

EXAMINER	
MAI, KEVIN S	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/544,277
Filing Date: December 23, 2005
Appellant(s): TWISS, ADAM

Terry W. Kramer
Registration No. 41541
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal briefs filed September 1, 2010 and September 24, 2010 appealing from the Office action mailed May 24, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 75-89, 92-105, 108, 110-115, 117-123 and 126.

Claims 1-74, 90, 91, 106, 107, 109, 116, 124, 125 and 127-148 are cancelled.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except

for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2003/0208621	Bowman	11-2003
2003/0062375	Teodosiu et al.	5-2002
2004/0148434	Matsubara et al.	7-2004
2002/0049760	Scott et al.	4-2002
2004/0088646	Yeager et al.	5-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 75-80, 87, 92-97, 108, 110-113, 123 and 126 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2003/0208621 to Bowman (hereinafter "Bowman").

2. **As to Claim 75,** Bowman discloses **a method of reducing traffic in a decentralized peer-to-peer network, said peer-to-peer network operating over an underlying network comprising first and second network portions, the method comprising:**

identifying, with an Internet Service Provider (ISP) router, whether messages in the first network portion are peer-to-peer messages or other messages (Paragraph [0053] of Bowman

discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. As one skilled in the art can appreciate, a number of methods may be used to direct P2P traffic to a PPO 10. As such it is seen that the distribution router is able to identify P2P traffic. Paragraph [0035] explains that network 12a is a network maintained by an ISP and that distribution router 24 is a router of network 12a. Accordingly the router is an ISP router);

routing all peer-to-peer messages in the first network portion with an intended destination in the second network portion outside of a network of an Internet Service Provider (ISP) to a gateway between peer-to-peer nodes residing on said first and second network portions (Paragraph [0053] of Bowman discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. Paragraph [0048] discloses when P2P communication is sent between networks 12a and 12b PPO 10 examines it. Figure 7);

and

controlling transport of said peer-to-peer messages at said gateway to limit propagation of said peer-to-peer messages into said second network portion, [without limiting propagation of the other messages into the second network portion] (Paragraphs [0036]-[0041] of Bowman disclose PPO 10 serves to provide three main functions. One function is to reduce network traffic by not broadcasting messages but instead sending them where they need to go, or dropping them if there is no need to send them on. Another is to redirect traffic to a cost efficient path. These are both seen to be methods to control transport of P2P messages). Bowman does not explicitly disclose **without limiting propagation of the other messages into the second network portion**

However, such a feature would have been obvious in view of Bowman. Paragraph [0053] discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. Thus since only P2P messages are sent to the PPO it is seen that the other traffic is not hindered by the system. Thus although it is not explicitly states that other messages are not limited, since the PPO only acts upon P2P communications it would be obvious that the other messages would not be limited.

3. **As to Claim 76,** Bowman discloses **the method of claim 75, wherein said first network portion comprises a portion of said underlying network managed by the ISP and said second network portion comprises a portion of said underlying network not managed by the ISP that is connected to said first network portion across a boundary** (Paragraph [0035] of Bowman discloses that network 12a is the network maintained by an ISP and network 12a is connected to a plurality of networks 12b to 12n via links 30b to 30n. Typically networks 12b to 12n would be accessible via the internet. Accordingly 12a is a portion managed by the ISP and 12b to 12n are portions that are not).

4. **As to Claim 77,** Bowman discloses **the method of claim 76, further comprising: limiting a number of peer-to-peer connections across said boundary to a permitted maximum** (Paragraph [0078] of Bowman discloses that the system would maintain connections based upon the mount of data, cost class, and the total number of connections that may be maintained. Paragraph [0039] discloses the PPO attempting to connect nodes to other nodes such that connections are not random between nodes).

5. **As to Claim 78,** Bowman discloses **the method of claim 75, wherein said transport controlling further comprises:**

blocking said peer-to-peer messages at said gateway (Paragraph [0040] of Bowman discloses dropping messages if there is no need to send them on)**.**

6. **As to Claim 79,** Bowman discloses **the method of claim 75, wherein said transport controlling further comprises:**

redirecting said peer-to-peer messages to a peer-to-peer node within said first network portion (Paragraph [0041] of Bowman discloses the PPO redirecting traffic to a cost efficient path. Paragraph [0033] explains that typically the most cost efficient paths for P2P transfer in network 12a will be within network 12a. As such the system is seen to redirect messages to cost efficient paths in its network. Paragraph [0067])**.**

7. **As to Claim 80,** Bowman discloses **the method of claim 75, wherein said transport controlling further comprises:**

responding to said peer-to-peer messages from said gateway (Paragraph [0075] of Bowman discloses the in response to a query if the file has been located the location information is forwarded to the originator of the query message)**.**

8. **As to Claim 87,** Bowman discloses **the method of claim 75 wherein said physical network comprises a third network portion, wherein use of each of said network portions**

has an associated cost, wherein data transport over said third network portion has a cost less than a cost associated with said second network portion, and wherein said controlling further comprises directing said peer-to-peer messages into said third network portion (Paragraph [0075] of Bowman discloses if the file has not been located the query message is forwarded to a weighted subset of connected nodes having the lowest cost class in networks 12b to 12n).

9. **As to Claim 92,** Bowman discloses **a computer network message controller that reduces traffic in a decentralized peer-to-peer network, said peer- to-peer network operating over a physical network comprising first and second network portions, said network message controller comprising:**

a router that identifies whether messages in the first network portion are peer-to-peer messages or other messages (Paragraph [0053] of Bowman discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. As one skilled in the art can appreciate, a number of methods may be used to direct P2P traffic to a PPO 10. As such it is seen that the distribution router is able to identify P2P traffic. Paragraph [0035] explains that network 12a is a network maintained by an ISP and that distribution router 24 is a router of network 12a. Accordingly the router is an ISP router) **and routes all peer-to-peer messages in the first network portion with an intended destination in the second network portion outside of a network of an Internet Service Provider (ISP) to a gateway between peer-to-peer nodes residing on said first and second network portions** (Paragraph [0053] of Bowman discloses ensuring that a router, such as distribution router 24 of fig. 3 sends

only P2P communications to one or more PPO's 10. Paragraph [0048] discloses when P2P communication is sent between networks 12a and 12b PPO 10 examines it. Figure 7)**; and a gateway controller that controls transport of said peer-to-peer messages into said second network portion** (Paragraphs [0036]-[0041] of Bowman disclose PPO 10 serves to provide three main functions. One function is to reduce network traffic by not broadcasting messages but instead sending them where they need to go, or dropping them if there is no need to send them on. Another is to redirect traffic to a cost efficient path. These are both seen to be methods to control transport of P2P messages)**, [without limiting propagation of the other messages into the second network portion].**

Bowman does not explicitly disclose **without limiting propagation of the other messages into the second network portion**

However, such a feature would have been obvious in view of Bowman. Paragraph [0053] discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. Thus since only P2P messages are sent to the PPO it is seen that the other traffic is not hindered by the system. Thus although it is not explicitly states that other messages are not limited, since the PPO only acts upon P2P communications it would be obvious that the other messages would not be limited.

10. **As to Claim 93,** Bowman discloses **the computer network message controller of claim 92 wherein said first network portion comprises a portion of said physical network managed by a the ISP and said second network portion comprises a portion of said physical network not managed by the ISP that is connected to said first network portion**

across a boundary (Paragraph [0035] of Bowman discloses that network 12a is the network maintained by an ISP and network 12a is connected to a plurality of networks 12b to 12n via links 30b to 30n. Typically networks 12b to 12n would be accessible via the internet. Accordingly 12a is a portion managed by the ISP and 12b to 12n are portions that are not).

11. **As to Claim 94,** Bowman discloses **the computer network message controller of claim 93 wherein said gateway controller limits a number of peer-to-peer connections across said boundary to a permitted maximum** (Paragraph [0078] of Bowman discloses that the system would maintain connections based upon the mount of data, cost class, and the total number of connections that may be maintained. Paragraph [0039] discloses the PPO attempting to connect nodes to other nodes such that connections are not random between nodes).

12. **As to Claim 95,** Bowman discloses **the computer network message controller of claim 92 wherein said gateway controller blocks the peer-to-peer messages at said gateway** (Paragraph [0040] of Bowman discloses dropping messages if there is no need to send them on).

13. **As to Claim 96,** Bowman discloses **the computer network message controller of claim 92 wherein said gateway controller is redirects the peer-to-peer messages to a peer-to-peer node within said first network portion** (Paragraph [0041] of Bowman discloses the PPO redirecting traffic to a cost efficient path. Paragraph [0033] explains that typically the most cost efficient paths for P2P transfer in network 12a will be within network 12a. As such the system is seen to redirect messages to cost efficient paths in its network. Paragraph [0067]).

14. **As to Claim 97,** Bowman discloses **the computer network message controller of claim 92 wherein said gateway controller responds to the peer-to-peer messages** (Paragraph [0075] of Bowman discloses the in response to a query if the file has been located the location information is forwarded to the originator of the query message)**.**

15. **As to Claim 108,** Bowman discloses **the computer network message controller of claim 92 wherein said gateway controller further comprises**
a processor (Paragraphs [0052]-[0053] of Bowman disclose the PPO consisting of many modules and it is seen that such modules would be run by a processor)**, and**
a program memory storing processor control code coupled to said processor to load and implement said code (Paragraphs [0052]-[0053] of Bowman disclose the PPO consisting of many modules and it is seen that such modules would implemented in code)**.**

16. **As to Claim 110,** Bowman discloses **a gateway controller that reduces traffic in a decentralized peer-to-peer network operating over an underlying network comprising first and second network portions, the controller operating at a gateway between peer-to-peer nodes residing on said first and second network portions, the gateway controller comprising:**
an interface for said first and second network portions, that receives all peer-to-peer messages in the first network portion with an intended destination in the second network portion outside of a network of an Internet Service Provider (ISP) (Paragraph [0053] of

Bowman discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. Paragraph [0048] discloses when P2P communication is sent between networks 12a and 12b PPO 10 examines it. Figure 7)**, wherein a router identifies whether messages in the first network portion are peer-to-peer messages or other messages** (Paragraph [0053] of Bowman discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. As one skilled in the art can appreciate, a number of methods may be used to direct P2P traffic to a PPO 10. As such it is seen that the distribution router is able to identify P2P traffic. Paragraph [0035] explains that network 12a is a network maintained by an ISP and that distribution router 24 is a router of network 12a. Accordingly the router is an ISP router)**; and**

a controller that limits propagation of the peer-to-peer messages into the second network portion [without limiting propagation of the other messages into the second network portion] (Paragraphs [0036]-[0041] of Bowman disclose PPO 10 serves to provide three main functions. One function is to reduce network traffic by not broadcasting messages but instead sending them where they need to go, or dropping them if there is no need to send them on. Another is to redirect traffic to a cost efficient path. These are both seen to be methods to control transport of P2P messages)**.**

Bowman does not explicitly disclose **without limiting propagation of the other messages into the second network portion**

However, such a feature would have been obvious in view of Bowman. Paragraph [0053] discloses ensuring that a router, such as distribution router 24 of fig. 3 sends only P2P communications to one or more PPO's 10. Thus since only P2P messages are sent to the PPO it

is seen that the other traffic is not hindered by the system. Thus although it is not explicitly states that other messages are not limited, since the PPO only acts upon P2P communications it would be obvious that the other messages would not be limited.

17. **As to Claim 111,** Bowman discloses **the gateway controller of claim 110 wherein said controller blocks the peer-to-peer messages at said gateway** (Paragraph [0040] of Bowman discloses dropping messages if there is no need to send them on)**.**

18. **As to Claim 112,** Bowman discloses **the gateway controller of claim 110 wherein said controller redirects the peer-to-peer messages to a peer-to-peer node within said first network portion** (Paragraph [0041] of Bowman discloses the PPO redirecting traffic to a cost efficient path. Paragraph [0033] explains that typically the most cost efficient paths for P2P transfer in network 12a will be within network 12a. As such the system is seen to redirect messages to cost efficient paths in its network. Paragraph [0067])**.**

19. **As to Claim 113,** Bowman discloses **the gateway controller of Claim 110 wherein said controller responds to the peer-to-peer messages** (Paragraph [0075] of Bowman discloses the in response to a query if the file has been located the location information is forwarded to the originator of the query message)**.**

20. **As to Claim 123,** Bowman discloses **the gateway controller of claim 110 wherein said first network portion comprises a portion of said underlying network managed by the ISP**

and said second network portion comprises a portion of said underlying network not managed by the ISP that is connected to said first network portion across a boundary (Paragraph [0035] of Bowman discloses that network 12a is the network maintained by an ISP and network 12a is connected to a plurality of networks 12b to 12n via links 30b to 30n. Typically networks 12b to 12n would be accessible via the internet. Accordingly 12a is a portion managed by the ISP and 12b to 12n are portions that are not), **and wherein said controller provides a limited number of peer-to-peer connections across said boundary** (Paragraph [0078] of Bowman discloses that the system would maintain connections based upon the mount of data, cost class, and the total number of connections that may be maintained. Paragraph [0039] discloses the PPO attempting to connect nodes to other nodes such that connections are not random between nodes).

21. **As to Claim 126,** Bowman discloses **the gateway controller of claim 110 wherein said controller further comprises**
a processor (Paragraphs [0052]-[0053] of Bowman disclose the PPO consisting of many modules and it is seen that such modules would be run by a processor) **and**
a program memory storing processor control code coupled to said processor to load and implement said code, said code comprising code to configure said controller to control transport of said message into said other of said network portions (Paragraphs [0052]-[0053] of Bowman disclose the PPO consisting of many modules and it is seen that such modules would implemented in code).

22. Claims 81, 83, 86, 98, 100, 103, 114, 117 and 120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of US Pub. No. 2002/0062375 to Teodosiu et al. (hereinafter "Teodosiu").

23. **As to Claim 81,** Bowman discloses **the method of claim 80 wherein said peer-to-peer messages comprise queries** (Paragraph [0074] of Bowman discloses the processing of a query message)**, and wherein said responding further comprises:**

[sending a response to said queries comprising cached data derived from previous responses to the queries]

Bowman does not explicitly disclose **sending a response to said queries comprising cached data derived from previous responses to the queries.**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0050] of Teodosiu discloses the RNS server creates a record for the resource, including the location of the publisher, and caches the record so that subsequent requests for the resource can be satisfied without communicating again with the publisher. Then paragraph [0044] discloses the gate server may perform similar functions as those performed by an RNS server. Accordingly it would have been obvious to implement the features of the RNS server with the gate server.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method of claim 80 as disclosed by Bowman, with caching responses to queries and responding with them as disclosed by Teodosiu. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar devices in the same way.

Additionally Bowman suggests utilizing a cache server in paragraph [0035]. Bowman discloses a cache server 28 is a repository of information obtained form networks 12b to 12n that may be frequently accessed by nodes 14. To avoid the expense of continually requesting data from networks 12b to 12n network 12a may store frequently accessed information in one or more caches 28. Most commonly this would be current versions of popular websites, but may include all forms of data.

24. **As to Claim 83,** Bowman discloses **the method of claim 75.** Bowman does not explicitly disclose **wherein said peer-to-peer messages comprises file request messages, and wherein said controlling further comprises:**
modifying a response to a previous file search request such that said response does not indicate that a requested file may be found in said second network portion.

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0039] of Teodosiu discloses the gateway will access the resource on behalf of the client. Accordingly it is seen that the client is prevented from thinking that the requested file is across the gate server border. Thus it would have been obvious for Teodosiu to more explicitly inform the client of this situation.

Examiner recites the same rationale to combine used in claim 81.

25. **As to Claim 86,** Bowman-Teodosiu **the method of claim 83 wherein said underlying network comprises a third network portion, and wherein said modifying further comprises:**

modifying said response to indicate that said requested file is obtainable from a peer-to-peer node located on said third network portion (Paragraph [0075] of Bowman discloses if the file has not been located the query message is forwarded to a weighted subset of connected nodes having the lowest cost class in networks 12b to 12n)**.**

26. **As to Claim 98,** Bowman discloses **the computer network message controller of claim 97 further comprising:**

a cache that stores data (Bowman discloses a cache server 28 is a repository of information obtained form networks 12b to 12n that may be frequently accessed by nodes 14)**, wherein said peer-to-peer messages comprise queries** (Paragraph [0074] of Bowman discloses the processing of a query message)**, and [wherein said gateway controller sends a response to said queries including data from said cache]**

Bowman does not explicitly disclose **wherein said gateway controller sends a response to said queries including data from said cache.**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0050] of Teodosiu discloses the RNS server creates a record for the resource, including the location of the publisher, and caches the record so that subsequent requests for the resource can be satisfied without communicating again with the publisher. Then paragraph [0044] discloses the gate server may perform similar functions as those performed by an RNS server. Accordingly it would have been obvious to implement the features of the RNS server with the gate server.

Examiner recites the same rationale to combine used in claim 81.

27. **As to Claim 100,** Bowman discloses **the computer network message controller of claim 92.** Bowman does not explicitly disclose **wherein said peer-to-peer messages comprise file request messages, and wherein said gateway controller modifies a response to a previous file search request such that said response does not indicate that a requested file may be found in said second network portion.**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0039] of Teodosiu discloses the gateway will access the resource on behalf of the client. Accordingly it is seen that the client is prevented from thinking that the requested file is across the gate server border. Thus it would have been obvious for Teodosiu to more explicitly inform the client of this situation.

Examiner recites the same rationale to combine used in claim 81.

28. **As to Claim 103,** Bowman discloses **the computer network message controller of claim 92 wherein said underlying network further comprises**
a third network portion, [wherein said gateway controller modifies said response to] indicate that said requested file is obtainable from a peer-to-peer node located on said third network portion (Paragraph [0075] of Bowman discloses if the file has not been located the query message is forwarded to a weighted subset of connected nodes having the lowest cost class in networks 12b to 12n).
Bowman does not explicitly disclose **wherein said gateway controller modifies said response**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0039] of Teodosiu discloses the gateway will access the resource on behalf of the client. Accordingly it is seen that the client is prevented from thinking that the requested file is across the gate server border. Thus it would have been obvious for Teodosiu to more explicitly inform the client of this situation.

Examiner recites the same rationale to combine used in claim 81.

29. **As to Claim 114,** Bowman discloses **the gateway controller of claim 113 further comprising:**

a query cache that stores data (Bowman discloses a cache server 28 is a repository of information obtained form networks 12b to 12n that may be frequently accessed by nodes 14) **[derived from responses to queries, wherein said controller responds the queries using data from said query cache], wherein the peer-to-peer messages comprise queries** (Paragraph [0074] of Bowman discloses the processing of a query message)**.**

Bowman does not explicitly disclose **derived from responses to queries, wherein said controller responds the queries using data from said query cache**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0050] of Teodosiu discloses the RNS server creates a record for the resource, including the location of the publisher, and caches the record so that subsequent requests for the resource can be satisfied without communicating again with the publisher. Then paragraph [0044] discloses the gate server may perform similar functions as those performed by an RNS server.

Accordingly it would have been obvious to implement the features of the RNS server with the gate server.

Examiner recites the same rationale to combine used in claim 81.

30. **As to Claim 117,** Bowman discloses **the gateway controller of claim 110 wherein said peer-to-peer messages comprise file request messages, and said controller modifies a response to a previous file search request such that said response does not indicate that a requested file may be found in said second network portion.**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0039] of Teodosiu discloses the gateway will access the resource on behalf of the client. Accordingly it is seen that the client is prevented from thinking that the requested file is across the gate server border. Thus it would have been obvious for Teodosiu to more explicitly inform the client of this situation.

Examiner recites the same rationale to combine used in claim 81.

31. **As to Claim 120,** Bowman discloses **the gateway controller of claim 110 wherein said underlying network further comprises**
a third network portion, [wherein said controller modifies said response] to indicate said requested file is obtainable from a peer-to- peer node located on said third network portion (Paragraph [0075] of Bowman discloses if the file has not been located the query message is forwarded to a weighted subset of connected nodes having the lowest cost class in networks 12b to 12n).

Bowman does not explicitly disclose **wherein said gateway controller modifies said response**

However, such a feature would have been obvious in view of Teodosiu. Paragraph [0039] of Teodosiu discloses the gateway will access the resource on behalf of the client. Accordingly it is seen that the client is prevented from thinking that the requested file is across the gate server border. Thus it would have been obvious for Teodosiu to more explicitly inform the client of this situation.

Examiner recites the same rationale to combine used in claim 81.

32. Claim 82, 99 and 115 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of US Pub. No. 2004/0148434 to Matsubara et al. (hereinafter "Matsubara").

33. **As to Claim 82,** Bowman discloses **the method of claim 80.** Bowman does not explicitly disclose **wherein said peer-to-peer messages comprise file requests, and wherein said responding further comprises**
sending a response to said file requests comprising previously cached data for a requested file.

However, Matsubara discloses this. Paragraph [0062] of Matsubara discloses a data stored configured with the P2P gateway server to cache accessed files. Doing so facilitates subsequent access to the requested file by other peer users.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method of claim 80 as disclosed by Bowman, with caching files as disclosed by

Matsubara. One of ordinary skill in the art would have been motivated to combine to provide improved file access performance (paragraph [0062] of Matsubara). Additionally Bowman suggests utilizing a cache server in paragraph [0035]. Bowman discloses a cache server 28 is a repository of information obtained form networks 12b to 12n that may be frequently accessed by nodes 14. To avoid the expense of continually requesting data from networks 12b to 12n network 12a may store frequently accessed information in one or more caches 28. Most commonly this would be current versions of popular websites, but may include all forms of data.

34. **As to Claim 99,** Bowman discloses **the computer network message controller of claim 97.** Bowman does not explicitly disclose **wherein said peer-to-peer messages comprise file requests, further comprising:**

a cache that stores data derived from previous responses to file requests, and wherein said gateway controller sends a response to' said file request including data from said cache.

However, Matsubara discloses this. Paragraph [0062] of Matsubara discloses a data stored configured with the P2P gateway server to cache accessed files. Doing so facilitates subsequent access to the requested file by other peer users.

Examiner recites the same rationale to combine used in claim 82.

35. **As to Claim 115,** Bowman discloses **the gateway controller of claim 113.** Bowman does not explicitly disclose **further comprising**

a file request cache that stores data derived from responses to file requests, wherein the peer-to-peer messages comprise file requests and said controller responds to said file requests using data from said file request cache.

However, Matsubara discloses this. Paragraph [0062] of Matsubara discloses a data stored configured with the P2P gateway server to cache accessed files. Doing so facilitates subsequent access to the requested file by other peer users.

Examiner recites the same rationale to combine used in claim 82.

36. Claims 84, 101 and 118 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Teodosiu and further in view of US Pub. No. 2002/0049760 to Scott et al. (hereinafter "Scott").

37. **As to Claim 84,** Bowman-Teodosiu **the method of claim 83.** Bowman-Teodosiu does not explicitly disclose **wherein said requested file is identified by a hash value.**

However, Scott discloses this. Paragraph [0008] of Scott discloses files in the peer-to-peer network may be identified or accessed based upon their associated hash ID values.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method of claim 83 as disclosed by Bowman-Teodosiu, with using hash values as disclosed by Scott. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar devices in the same way. Paragraph [0055] of Bowman discloses utilizing a string edit distance module 128 to determine the similarity between the name

of a requested file and the filenames known to PPO 10. Accordingly it would be obvious to use any method known to identify files such as hash values.

38. **As to Claim 101,** Bowman-Teodosiu **the computer network message controller of claim 100.** Bowman-Teodosiu does not explicitly disclose **wherein said requested file is identified by a hash value.**

However, Scott discloses this. Paragraph [0008] of Scott discloses files in the peer-to-peer network may be identified or accessed based upon their associated hash ID values.

Examiner recites the same rationale to combine used in claim 84.

39. **As to Claim 118,** Bowman-Teodosiu **the gateway controller of claim 117.** Bowman-Teodosiu does not explicitly disclose **wherein said requested file is identified by a hash value.**

However, Scott discloses this. Paragraph [0008] of Scott discloses files in the peer-to-peer network may be identified or accessed based upon their associated hash ID values.

Examiner recites the same rationale to combine used in claim 84.

40. Claims 85, 102 and 119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman-Teodosiu and further in view of Matsubara.

41. **As to Claim 85,** Bowman-Teodosiu discloses **the method of claim 83.** Bowman-Teodosiu does not explicitly disclose **further comprising:**

storing requested files in a cache, wherein said response is modified to refer to said cache.

However, Matsubara discloses this. Paragraph [0062] of Matsubara discloses a data stored configured with the P2P gateway server to cache accessed files. Doing so facilitates subsequent access to the requested file by other peer users.

Examiner recites the same rationale to combine used in claim 82.

42. **As to Claim 102,** Bowman-Teodosiu discloses **the computer network message controller of claim 100.** Bowman-Teodosiu does not explicitly disclose **further comprising: a cache that stores requested files, and wherein said gateway controller modifies said response to refer to said cache.**

However, Matsubara discloses this. Paragraph [0062] of Matsubara discloses a data stored configured with the P2P gateway server to cache accessed files. Doing so facilitates subsequent access to the requested file by other peer users.

Examiner recites the same rationale to combine used in claim 82.

43. **As to Claim 119,** Bowman-Teodosiu discloses **the gateway controller of claim 117 further comprising a cache that stores requested flies, wherein said controller modifies said response to refer to said cache.**

However, Matsubara discloses this. Paragraph [0062] of Matsubara discloses a data stored configured with the P2P gateway server to cache accessed files. Doing so facilitates subsequent access to the requested file by other peer users.

Examiner recites the same rationale to combine used in claim 82.

44. Claims 88, 89, 104, 105, 121 and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of US Pub. No. 2004/0088646 to Yeager et al. (hereinafter "Yeager").

45. **As to Claim 88,** Bowman discloses **the method of claim 75.** Bowman does not explicitly disclose **wherein said peer-to-peer messages have message identifiers, and wherein said controlling further comprises:**
storing said message identifiers for said peer-to-peer messages;
monitoring message identifiers of the peer-to-peer messages passing through said gateway to produce identified messages and
limiting propagation of said identified messages such that said messages pass between said first and second network portions no more than a permitted maximum number of times.

However, Yeager discloses this. Paragraphs [0764]-[0767] of Yeager disclose controlling the propagation of messages and will propagate a message unless it is found that the message is a duplicate. Each message is associated with a unique identifier. When a propagated message has been duplicated and has already been received on a peer the duplicate is discarded. Since the message duplicate would be discarded it is seen that it would have only been allowed to go through once before duplicates began to get discarded.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the method of claim 75 as disclosed by Bowman, with limiting message propagation as disclosed by Yeager. One of ordinary skill in the art would have been motivated to combine to use a known technique to improve similar devices in the same way. Yeager and Bowman are

directed toward peer-to-peer systems and as such it would be obvious to utilize features disclosed to be known in one peer-to-peer system in another peer-to-peer system.

46. **As to Claim 89,** Bowman-Yeager discloses **the method of claim 88 wherein said permitted maximum number of times is one** (Paragraphs [0764]-[0767] of Yeager disclose controlling the propagation of messages and will propagate a message unless it is found that the message is a duplicate. Each message is associated with a unique identifier. When a propagated message has been duplicated and has already been received on a peer the duplicate is discarded. Since the message duplicate would be discarded it is seen that it would have only been allowed to go through once before duplicates began to get discarded).

Examiner recites the same rationale to combine used in claim 88.

47. **As to Claim 104,** Bowman discloses **the computer network message controller of claim 92.** Bowman does not explicitly disclose **wherein said peer-to-peer messages have message identifiers, and wherein said gateway controller stores said message identifiers for said peer-to-peer messages, monitors message identifiers of the peer-to-peer messages passing through said gateway to produce identified messages, and limits propagation of said identified messages such that said identified messages pass between said first and second network portions no more than a permitted maximum number of times.**

However, Yeager discloses this. Paragraphs [0764]-[0767] of Yeager disclose controlling the propagation of messages and will propagate a message unless it is found that the message is a duplicate. Each message is associated with a unique identifier. When a propagated

message has been duplicated and has already been received on a peer the duplicate is discarded. Since the message duplicate would be discarded it is seen that it would have only been allowed to go through once before duplicates began to get discarded.

Examiner recites the same rationale to combine used in claim 88.

48. **As to Claim 105,** Bowman-Yeager discloses **the computer network message controller of claim 104 wherein said permitted maximum number of times is one** (Paragraphs [0764]-[0767] of Yeager disclose controlling the propagation of messages and will propagate a message unless it is found that the message is a duplicate. Each message is associated with a unique identifier. When a propagated message has been duplicated and has already been received on a peer the duplicate is discarded. Since the message duplicate would be discarded it is seen that it would have only been allowed to go through once before duplicates began to get discarded).

Examiner recites the same rationale to combine used in claim 88.

49. **As to Claim 121,** Bowman discloses **the gateway controller of claim 110.** Bowman does not explicitly disclose **wherein the peer-to-peer messages have message identifiers, said controller stores said message identifiers for the peer-to-peer messages, monitors the message identifiers of the peer-to-peer messages passing through said gateway to produce identified messages, and limits propagation of said identified messages such that said peer-to-peer messages pass between said first and second network portions no more than a permitted maximum number of times.**

However, Yeager discloses this. Paragraphs [0764]-[0767] of Yeager disclose controlling the propagation of messages and will propagate a message unless it is found that the message is a duplicate. Each message is associated with a unique identifier. When a propagated message has been duplicated and has already been received on a peer the duplicate is discarded. Since the message duplicate would be discarded it is seen that it would have only been allowed to go through once before duplicates began to get discarded.

Examiner recites the same rationale to combine used in claim 88.

50. **As to Claim 122,** Bowman-Yeager discloses **the gateway controller of claim 121~ wherein said permitted maximum number of times is one** (Paragraphs [0764]-[0767] of Yeager disclose controlling the propagation of messages and will propagate a message unless it is found that the message is a duplicate. Each message is associated with a unique identifier. When a propagated message has been duplicated and has already been received on a peer the duplicate is discarded. Since the message duplicate would be discarded it is seen that it would have only been allowed to go through once before duplicates began to get discarded).

Examiner recites the same rationale to combine used in claim 88.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

As per appellant's argument that:

(1) Regarding the rejection of claims 75, 92 and 110 under 35 U.S.C. 103(a) as being unpatentable over US Pub. No. 2003/0208621 to Bowman (hereinafter "Bowman"), appellant argues that Bowman does not disclose the limitation of "without limiting propagation of the other messages". Additionally, appellant argues that since the Office Action states "Bowman does not explicitly disclose" this subject matter and then states Bowman would render the subject matter obvious the obviousness rejection is clearly improper because it is logically inconsistent. Examiner disagrees. (Pages 9-10 of Appeal Brief)

Firstly, examiner maintains that there is nothing logically inconsistent with the two statements made. The assertion that "Bowman does not explicitly disclose" merely refers to the fact that there does not appear to be an explicit area of Bowman that would map directly to the current limitation. This does not mean that the same limitation would not be obvious in view of Bowman's disclosure. In this particular situation, Bowman does not explicitly disclose "without limiting propagation of the other messages into the second network portion", however Bowman does disclose in paragraph [0053] "WCCP module 112 operates with the Cisco Web Cache Communication Protocol (WCCP) to ensure that a router, such as distribution router 24 of Fig. 3 sends only P2P communications to one or more PPO's 10. As one skilled in the art can appreciate, a number of methods may be used to direct P2P traffic to a PPO 10, such as recognizing specific port addresses or context sensitive scanning of packets". Accordingly it is seen that Bowman distinctly implies a situation where the other traffic would pass through unhindered. From paragraph [0053] it is clearly implied that there is other traffic than P2P traffic since the P2P traffic must be identified from other traffic via "recognizing specific port addresses or context sensitive scanning of packets". Bowman discloses that only P2P traffic is

identified and specifically sent to the PPO, thus traffic that is not identified as P2P traffic would not be sent to the PPO and is seen to not have been limited. Accordingly the limitation "without limiting propagation of the other messages" is obvious in view of Bowman

(2) Regarding the rejection of claims 75, 92 and 110 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues Bowman does not disclose "identifying, with an Internet Service Provider (ISP) router, whether messages in the first network portion are peer-to-peer messages or other messages". Appellant argues that Bowman teaches away because it sends "only P2P communications" and does not provide a system with a mixture of P2P and other messages". Examiner disagrees. (Page 10 of Appeal Brief)

Paragraph [0053] of Bowman states "WCCP module 112 operates with the Cisco Web Cache Communication Protocol (WCCP) to ensure that a router, such as distribution router 24 of Fig. 3 sends only P2P communications to one or more PPO's 10. As one skilled in the art can appreciate, a number of methods may be used to direct P2P traffic to a PPO 10, such as recognizing specific port addresses or context sensitive scanning of packets". From paragraph [0053] it is clearly implied that there is other traffic than P2P traffic since the P2P traffic must be identified from other traffic via "recognizing specific port addresses or context sensitive scanning of packets". Thus Bowman does not teach away from the limitation and is seen to disclose being able to identify P2P traffic in order to direct it to the PPO.

(3) Regarding the rejection of claims 75, 92 and 110 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that Bowman does not disclose "routing all peer-to-

peer messages in the first network portion with an intended destination in the second network portion outside of a network of an Internet Service Provider (ISP) to a gateway between peer-to-peer nodes residing on said first and second network portions". Appellant argues that the Office action fails to identify a gateway between the peer-to-peer nodes. Moreover, the Office Action also lacks any routing to a gateway. Examiner disagrees. (Page 11 of Appeal Brief)

Paragraph [0053] of Bowman states "WCCP module 112 operates with the Cisco Web Cache Communication Protocol (WCCP) to ensure that a router, such as distribution router 24 of Fig. 3 sends only P2P communications to one or more PPO's 10." Thus the distribution router sends the P2P communications to the one or more PPO's, wherein the PPO's are seen to be the gateway between the two network portions. Figure 3 discloses the distribution router being separate from the PPO and then Figure 1 discloses how the PPO is seen to act as a gateway between the various network portions. Thus it is seen that Bowman disclose a gateway that receives peer-to-peer messages and is between the two network portions.

(4) Regarding the rejection of claims 78, 95 and 111 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that Bowman does not disclose "blocking said peer-to-peer messages at said gateway". Appellant argues that Bowman actually discloses "dropping" messages if there is no need to send them on. Dropping messages is not the same as the recited step of blocking messages, as there is no indication that Bowman's dropping occurs because the dropped messages have been identified as peer-to-peer messages. Examiner disagrees. (Pages 11-12 of Appeal Brief)

Paragraph [0036] of Bowman discloses "PPO 10 serves to provide three main functions". Paragraph [0040] discloses one of these functions is to "reduce network traffic. This is done by not broadcasting messages but instead sending them where they need to go, or dropping them if there is no need to send them on". It is seen that blocking messages and dropping messages do the same thing in that they prevent messages from propagating. As to this being done on identified peer-to-peer messages, paragraph [0053] of Bowman states "WCCP module 112 operates with the Cisco Web Cache Communication Protocol (WCCP) to ensure that a router, such as distribution router 24 of Fig. 3 sends only P2P communications to one or more PPO's 10." Thus since only P2P traffic is sent to the PPO and the PPO drops packets as needed it is seen the dropping is only done on traffic identified as P2P traffic.

(5) Regarding the rejection of claims 78, 95 and 111 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 12 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(6) Regarding the rejection of claims 80, 97 and 113 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that Bowman does not disclose "responding to said peer-to-peer messages from said gateway". Appellant argues the cited area is not equivalent because an originator is not the gateway. Examiner disagrees. (Page 12 of Appeal Brief)

Paragraph [0075] of Bowman discloses that in response to a query if the file has been located the location information is forwarded to the originator of the query message. This is seen to be done from the PPO which has been interpreted as the gateway. Chart 1 on page 6 of Bowman discloses examples of various transactions that in the "internal query w/ hit" the query is sent to the PPO and the PPO responds with a queryhit and similarly in "internal query w/ miss" the query is sent to the PPO which then performs some actions and responds with a queryhit. In both scenarios it is seen that the PPO (gateway) is the one responding to the peer-to-peer message.

(7) Regarding the rejection of claims 80, 97 and 113 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Pages 12-13 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(8) Regarding the rejection of claim 87 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that Bowman does not disclose "wherein data transport over said third network portion has a cost less than a cost associated with said second network portion". Appellant argues that that the rejection fails to distinguish between the second and third network portion because the Office Action previously identified "networks 12b to 12n" as the second network portion. The Office Action erroneously assumes that the cost would be "less" on some undefined node on the Internet, while claim 87 clearly distinguishes the second and third

network portion. Moreover, it would be cheaper for the ISP to access a P2P node within its own network instead of a node on the Internet, so the cited portion of Bowman actually teaches away from this subject matter. Examiner disagrees. (Page 13 of Appeal Brief)

Paragraph [0075] of Bowman discloses if the file has not been located the query message is forwarded to a weighted subset of connected nodes having the lowest cost class in networks 12b to 12n. The networks 12b to 12n were not mapped as a whole to the second network portion, rather one any of networks 12b to 12n would fulfill the requirement of second network portion and similarly any of networks 12b to 12n (barring the one being used as the second network portion) would fulfill the requirement of third network portion. Thus when Bowman discloses forwarding to a weighted subset of connected nodes having the lowest cost class in networks 12b to 12n it is seen to be identifying network portions with the lowest costs.

Additionally in response to both of appellants arguments that the Office Action erroneously assumes that the cost would be "less" on some undefined node and moreover, it would be cheaper for the ISP to access a P2P node within its own network, examiner cites paragraph [0033] of Bowman. Paragraph [0033] discloses "assuming that a P2P request can be serviced within a single network such as 12a, then typically the most cost efficient paths for P2P transfer will be within network 12a. Examples would be connections to nodes 14a and 14b. However, this may not always be the case. For example a request to node 14d may be very expensive if node 14d which contains the data, resides halfway around the world within a corporate intranet. In such a scenario, node 14f, within network 12b, which contains the required data, would be a more cost efficient choice." Thus this clearly addresses that each network portion is checked for cost to identify a network portion which would be the most cost efficient.

This works for all the network portions 12b to 12n and as such the system would be able to choose a "third network portion" over a "second network portion" according to cost. This also addresses the argument about it being typically cheaper for the ISP to access a node within its own network by explaining that it is simply not always the case. Accordingly Bowman does not teach away.

(9) Regarding the rejection of claims 76, 77, 79, 93, 94, 96, 108, 112, 123 and 126 under 35 U.S.C. 103(a) as being unpatentable over Bowman, appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 14 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(10) Regarding the rejection of claims 81, 98 and 114 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of US Pub. No. 2002/0062375 to Teodosiu et al. (hereinafter "Teodosiu"), appellant argues that the combination does not disclose "sending a response to said queries comprising cached data derived from previous responses to the queries". Appellant argues that Teodosiu fails to provide cached data that are derived from previous responses to queries. Instead Teodosiu creates an "internal resource record" that indicates whether a master publisher is logged into a network and whether a resource exists. Such information would not be equivalent to the recited cached data because Teodosiu's internal resource record is unrelated to any queries. Examiner disagrees. (Page 15 of Appeal Brief)

Paragraph [0050] of Teodosiu discloses the RNS server creates a record for the resource, including the location of the publisher, and caches the record so that subsequent requests for the resource can be satisfied without communicating again with the publisher. Thus it is seen that the record for the resource is created in response to a query for the resource, this is clear because Teodosiu states the record is created so that "subsequent requests for the resource can be satisfied". As such the record is created in response to a first request such that following requests can be responded to with the resource record. This is seen to be the same as "sending a response to said queries comprising cached data derived from previous responses to queries" Then paragraph [0044] discloses the gate server may perform similar functions as those performed by an RNS server. Accordingly it would have been obvious to implement the features of the RNS server with the gate server.

(11) Regarding the rejection of claims 81, 98 and 114 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu, appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Pages 15-16 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(12) Regarding the rejection of claims 83, 100 and 117 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu, appellant argues that the combination does not disclose "modifying a response to a previous file search request such that said response does not indicate that a requested file may be found in said second network

portion". Appellant argues that Teodosiu does not modify a response, in fact Teodosiu declares that "gate server 120 may simply respond with the location(s) and allow the client service to directly access the resource on its own". Appellant argues that this teaches away from the claimed invention by suggestion that a client service should directly access the resource on its own. Examiner disagrees. (Pages 16-17 of Appeal Brief)

Paragraph [0039] of Teodosiu discloses the gateway will access the resource on behalf of the client. Accordingly it is seen that the client is prevented from thinking that the requested file is across the gate server border. Thus it would have been obvious for Teodosiu to more explicitly inform the client of this situation. Appellants argue that Teodosiu does not modify a response, this is clearly not the case. Paragraph [0039] disclose "if the client device is not compatible, gate server 120 may take any number of actions, such as accessing the resource on behalf of the client device and responding as if the gate server were the resource". Thus the response is clearly modified from being from the peer node to being from the gateway. Appellants additional argument that Teodosiu teaches away due to disclosing another embodiment where the location may be given to the client device to directly access the resource is not persuasive. While Teodosiu does disclose such an embodiment it also clearly discloses an embodiment where the gateway handles the requests. Accordingly it is still as obvious to combine this with Bowman.

(13) Regarding the rejection of claims 83, 100 and 117 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu, appellant argues that the claims are

allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 17 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(14) Regarding the rejection of claims 86, 103 and 120 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu, appellant argues that the combination does not disclose "modifying said response to indicate that said requested file is obtainable from a peer-to-peer node located on said third network portion". Appellant argues that Bowman does not modify any response. Instead Bowman forwards a query if a file has not been located. Forwarding a query message is not the same as modifying a response. Examiner disagrees. (Page 17 of Appeal Brief)

Paragraph [0055] of Bowman discloses "QoS modification module 134 rewrites the routing information of module 132 to select a cost efficient path determined by route/path cost module 118. Routing information includes QoS parameters such as stated bandwidth and uptime. The purpose of rewriting routing information is to provide the requestor with a path for a file or files that make the most efficient use of network resources. By doing so a message may be redirected." Thus it is seen that Bowman clearly indicates the ability to rewrite routing information to provide the requestor with a more cost efficient path. Additionally, paragraph [0061] discloses the "PPO 10 optimizes behavior between and within the networks 12 to which it is connected. Behavior is the ability to create, destroy, modify or ignore messages". Thus Bowman clearly has the ability to modify messages. This in addition to the disclosure of

paragraph [0075] is seen to read upon applicant's limitation. Furthermore this rejection is made in combination with Teodosiu which also discloses modifying messages.

(15) Regarding the rejection of claims 86, 103 and 120 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu, appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 17 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(16) Regarding the rejection of claims 82, 99 and 115 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of US Pub. No. 2004/0148434 to Matsubara et al. (hereinafter "Matsubara"), appellant argues that Matsubara teaches away from use of a gateway server alone, instead indicating that "gateway logic 202" should "cooperate with HTTP server component 206 to generate a suitable Web page or other suitable HTTP message". Appellant argues that Matsubara is incompatible with Bowman because Bowman only uses P2P messages while Matsubara teaches away from the use of any P2P messages. Examiner disagrees. (Page 18 of Appeal Brief)

Examiner disagrees with Appellants characterization of Matsubara. While Matsubara is a system that tries to allow other types of users to interact with the P2P network it by no means teaches away from the use of any P2P messages. Clearly at least half of the system is a P2P system that utilizes traditional P2P messages namely at least the portion labeled as "P2P network" in figure 1 of Matsubara. However this by no means prevents a combination between

Bowman and Matsubara. Combinations can be made by references that are considered analogous art and it is clearly seen that Bowman and Matsubara are techniques for implementing P2P systems. As such it would be readily obvious to one of ordinary skill in the art to combine the techniques of Matsubara with Bowman. The additional ability of supporting other types of traffic disclosed in Matsubara does not cause its system to be incompatible with Bowman.

The above response was made with the assumption that Matsubara only disclosed the system with respect to the web-peer, however this is not the case. Figures 7 and 8 of Matsubara disclose the other peers of the regular P2P network being able to download cached files from the P2P gateway. Accordingly it is seen that this part of the system also readily reads upon the limitation without any complications of type of traffic used.

Additionally the combination is reasonably made in view of the rationale provided in the rejection. One of ordinary skill in the art would have been motivated to combine to provide improved file access performance (paragraph [0062] of Matsubara). Additionally Bowman suggests utilizing a cache server in paragraph [0035]. Bowman discloses a cache server 28 is a repository of information obtained form networks 12b to 12n that may be frequently accessed by nodes 14. To avoid the expense of continually requesting data from networks 12b to 12n network 12a may store frequently accessed information in one or more caches 28. Most commonly this would be current versions of popular websites, but may include all forms of data.

(17) Regarding the rejection of claims 82, 99 and 115 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Matsubara, appellant argues that the claims

are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 19 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(18) Regarding the rejection of claims 84, 101 and 118 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu and further in view of US Pub. No. 2002/0049760 to Scott et al. (hereinafter "Scott"), appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 20 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(19) Regarding the rejection of claims 85, 102 and 119 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu and further in view of Matsubara, appellant argues that Matsubara teaches away from use of a gateway server alone, instead indicating that "gateway logic 202" should "cooperate with HTTP server component 206 to generate a suitable Web page or other suitable HTTP message". Appellant argues that Matsubara is incompatible with Bowman because Bowman only uses P2P messages while Matsubara teaches away from the use of any P2P messages. Examiner disagrees. (Page 21 of Appeal Brief)

Examiner disagrees with Appellants characterization of Matsubara. While Matsubara is a system that tries to allow other types of users to interact with the P2P network it by no means teaches away from the use of any P2P messages. Clearly at least half of the system is a P2P

system that utilizes traditional P2P messages namely at least the portion labeled as "P2P network" in figure 1 of Matsubara. However this by no means prevents a combination between Bowman and Matsubara. Combinations can be made by references that are considered analogous art and it is clearly seen that Bowman and Matsubara are techniques for implementing P2P systems. As such it would be readily obvious to one of ordinary skill in the art to combine the techniques of Matsubara with Bowman. The additional ability of supporting other types of traffic disclosed in Matsubara does not cause its system to be incompatible with Bowman.

The above response was made with the assumption that Matsubara only disclosed the system with respect to the web-peer, however this is not the case. Figures 7 and 8 of Matsubara disclose the other peers of the regular P2P network being able to download cached files from the P2P gateway. Accordingly it is seen that this part of the system also readily reads upon the limitation without any complications of type of traffic used.

Additionally the combination is reasonably made in view of the rationale provided in the rejection. One of ordinary skill in the art would have been motivated to combine to provide improved file access performance (paragraph [0062] of Matsubara). Additionally Bowman suggests utilizing a cache server in paragraph [0035]. Bowman discloses a cache server 28 is a repository of information obtained form networks 12b to 12n that may be frequently accessed by nodes 14. To avoid the expense of continually requesting data from networks 12b to 12n network 12a may store frequently accessed information in one or more caches 28. Most commonly this would be current versions of popular websites, but may include all forms of data.

(20) Regarding the rejection of claims 85, 102 and 119 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of Teodosiu and further in view Matsubara, appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 22 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(21) Regarding the rejection of claims 88, 89, 104, 105, 121 and 122 under 35 U.S.C. 103(a) as being unpatentable over Bowman and further in view of US Pub. No. 2004/0088646 to Yeager et al. (hereinafter "Yeager"), appellant argues that the claims are allowable at least due to their respective dependencies from allowable base claims. Examiner disagrees. (Page 23 of Appeal Brief)

The arguments toward the base claims have been addressed in arguments (1)-(3).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. S. M./

Examiner, Art Unit 2456

Conferees:

/KEVIN BATES/
Primary Examiner, Art Unit 2456

/Rupal D. Dharia/
Supervisory Patent Examiner, Art Unit 2400